

Docket No. ROC 017

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Veronique Mahe, et al.  
Serial No. : 09/483,766 Art Unit: 1615  
Filed : January 19, 2000 Examiner: T. K. Page  
For : A COSMETIC COMPOSITION BASED ON MENTHOL AND  
MENTHYL LACTATE, HAVING LITTLE ODOR AND BEING NON-  
IRRITATING

DECLARATION OF ANDREA L. COLBY

I, Andrea L. Colby, the attorney for applicants in the above-mentioned application, declare and say:

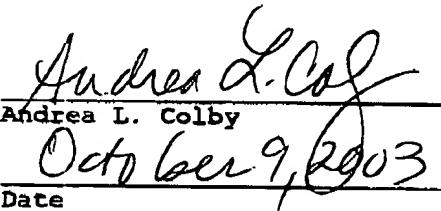
1. On or about January 19, 2000, I forwarded to the inventors named in the above-identified patent application, Veronique Mahe, Pascale Joetzjer and Anne Emmanuelle Guise, declarations and powers of attorney for signature and submission to the U.S. Patent and Trademark Office.
2. Prior to September 5, 2000, I received the signed declarations and submitted them to the U.S. Patent and Trademark Office on September 5, 2000.
3. An Office Action was rendered in the above-identified patent application on or about October 19, 2000 which pointed out that the declarations described in Paragraph 2 above had not been dated by the inventors. The Office Action required a supplemental declaration containing the inventors' signatures and the dates on which it was signed.
4. I forwarded an additional declaration to all three inventors in care of the facility at which they had been employed as of the date of invention on or about February 1, 2001 in Val-de-Reuil, France. This declaration was signed by all inventors, dated and returned. For some reason, a file clerk placed a red line through the front page of the declaration, it was not submitted to the Patent Office and the declaration placed in the file.
5. In a subsequent Office Action, rendered March 18, 2002, the declaration was again found defective and an additional declarati n

required. I then forwarded an additional declaration to the inventors in Val-de-Reuil. Ms. Mahe and Ms. Joetzjer signed and dated the additional declaration on September 5 and 6, 2002 and returned their originals to me. However, at that time, I was informed by Veronique Mahe, that Ms. Guise had left the employ of Johnson & Johnson France.

6. Upon learning that Ms. Guise had left the employ of Johnson & Johnson France, I requested that Mr. Dirk Wante, a member of our Law Department in Brussels, forward the supplemental declaration to Ms. Guise's home address. He and his administrative assistant sent the supplemental declaration to Ms. Guise's home address and did not receive a response. They then forwarded the supplemental declaration to Ms. Guise's new business address and did not receive a response.

7. After Mr. Wante's lack of success in this matter, I requested that our outside counsel, Mr. J-J. Martin, of Cabinet Regimbeau in Paris, France attempt to obtain Ms. Guise's signature. After attempts made at both her home and business addresses, he, too, was unsuccessful at obtaining her signature.

I hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application and any patent issued thereon.

  
Andrea L. Colby  
October 9, 2003  
Date

DOCKET NO. ROC-17

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled A COSMETIC COMPOSITION BASED ON MENTHOL and MENTHYL LACTATE, HAVING LITTLE ODOR AND BEING NON-IRRITATING, the specification of which

(check one)  is attached hereto.

was filed on 1-19-2003 as

Application Serial No. 09/483,766

and was amended on \_\_\_\_.  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s) :

| Country | Application Number | Date of Filing   | Priority Claimed Under 35 U.S.C. 119                                |
|---------|--------------------|------------------|---|
| France  | 9900704            | January 22, 1999 | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
|         |                    |                  | <input type="checkbox"/> YES <input type="checkbox"/> NO            |
|         |                    |                  | <input type="checkbox"/> YES <input type="checkbox"/> NO            |

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

(Application Number)

(Filing Date)

(Application Number)

(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.

Filing Date

Status

Application Serial No.

Filing Date

Status

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith as well as to file equivalent patent applications in countries foreign to the United States including the filing of international patent applications in accordance with the Patent Cooperation Treaty: Audley A. Ciamporcerio, Jr. (Reg. #26,051), Steven P. Berman (Reg. #24,772), Andrea L. Colby (Reg. #30,194) and Michael Stark (Reg. #32,495), One Johnson & Johnson Plaza, New Brunswick, NJ 08933.

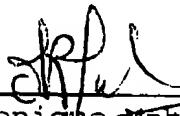
Address all telephone calls to Andrea L. Colby at telephone no. (732) 524-2792.

Address all correspondence to Audley A. Ciamporcerio, Jr., One Johnson & Johnson Plaza, New Brunswick, NJ 08933-7003.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Signature:

Full Name of Sole  
or First Inventor

  
Veronique Mahe

Date: 25.02.00

Citizenship: France

Residence: 90, avenue de Cherbourg, 78740 VAUX SUR SEINE,  
France

Post Office Address: Same as above

Inventor's Signature:

Full Name of Second Joint  
Inventor, If Any

  
Pascale Joetzjer

Date: February 25, 2000

Citizenship: France

Residence: 5, rue du Cornu, 27400 LOUVIERS, France

Post Office Address: Same as above

Inventor's Signature:

Full Name of Third Joint  
Inventor, If Any

  
Anne Emmanuelle Guise

Date: 25/February/2000

Citizenship: France

Residence: Les Jardins de la Prefecture, Appartement 40;  
39, rue Stanislas Girardin, 7600 ROUTEN, France

Post Office Address: Same as above

(Supply similar information and signature for fourth and subsequent joint inventors.)

Please type a plus sign (+) inside this box 

PTO/SB/01 (10-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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|  |  |                               |                     |
|--|--|-------------------------------|---------------------|
| <b>DECLARATION<br/>AND<br/>POWER OF ATTORNEY<br/>FOR UTILITY OR DESIGN<br/>PATENT APPLICATION<br/>(37 CFR 1.63)</b>  |  | <b>Attorney Docket Number</b> | ROC0017             |
|  |  | <b>First Named Inventor</b>   | Veronique Mahe      |
|  |  | <b>COMPLETE IF KNOWN</b>      |                     |
|  |  | <b>Application Number</b>     | 09/483,766          |
| <input type="checkbox"/> Declaration Submitted with<br>Initial Filing <input checked="" type="checkbox"/> Declaration Submitted after<br>Initial Filing (Surcharge<br>(37 CFR 1.16(e)) required)<br><br>OR |  | <b>Filing Date</b>            | January 19, 2000    |
|  |  | <b>Group Art Unit</b>         | 1615                |
|  |  | <b>Examiner Name</b>          | Fubara, Blessing M. |

**As a below named inventor, I hereby declare that:**

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**A COSMETIC COMPOSITION BASED ON MENTHOL AND MENTHYL LACTATE, HAVING LITTLE ODOR AND BEING  
NON-IRRITATING**  
*(Title of the Invention)*

the specification of which

 is attached hereto

OR

was filed on (MM/DD/YYYY) **01/19/2000** as United States Application Number or PCT International Application Number  
**09/483,766** and was amended on (MM/DD/YYYY)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed   | Certified Copy Attached?  |
|-------------------------------------|---------|----------------------------------|--|---|
|                                     |         |                                  | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input checked="" type="checkbox"/><br><input type="checkbox"/> |
| 9900704                             | France  | January 22, 1999                 | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input checked="" type="checkbox"/><br><input type="checkbox"/> |

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

**DECLARATION - Utility or Design Patent Application**

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

| Application Number(s) | Filing Date (MM/DD/YYYY) | <input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/028 attached hereto. |
|-----------------------|--------------------------|--|
|                       |                          |  |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application Serial No. | Filing Date | Status   |
|------------------------|-------------|----------|
|                        |             |          |
|                        |             | Patented |
|                        |             | Patented |
|                        |             | Patented |

I hereby appoint:

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AND

Practitioner(s) named below:  
Name Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Address all telephone calls to Andrea L. Colby at telephone number (732) 524-2792.

Customer Number  
Direct all correspondence to:  or Bar Code Label 000027777 OR  Correspondence address below

Name:

Address:

Address:

|         |            |      |
|---------|------------|------|
| City:   | State:     | ZIP  |
| Country | Telephone: | Fax: |

I hereby declare that all statements made here in of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued there on.

|   |                                   |   |                    |
|---|-----------------------------------|---|--------------------|
| <b>NAME OF SOLE OR FIRST INVENTOR:</b>  |                                   | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                    |
| Given Name<br>(first and middle [if any]) Veronique   |                                   | Family Name<br>or Surname   | Mahe               |
| Inventor's<br>Signature   | Date Sept, 5 <sup>th</sup> , 2003 |   |                    |
| Residence: City Vaux Sur Seine  | State                             | Country France  | Citizenship France |
| Mailing Address 90, avenue de Cherbourg   |                                   |   |                    |
| City Vaux Sur Seine   | State                             | ZIP 78740   | Country France     |
| I hereby declare that all statements made here in of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued there on. |                                   |   |                    |
| <b>NAME OF SECOND INVENTOR:</b>   |                                   | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                    |
| Given Name<br>(first and middle [if any]) Pascale   |                                   | Family Name<br>or Surname   | Joelzier           |
| Inventor's<br>Signature   | Date                              |   |                    |
| Residence: City Louviers  | State                             | Country France  | Citizenship France |
| Mailing Address 5, rue de Comu  |                                   |   |                    |
| City Louviers   | State                             | ZIP 27400   | Country France     |
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| <b>NAME OF THIRD INVENTOR:</b>  |                                   | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                    |
| Given Name<br>(first and middle [if any]) Anne Emmanuelle   |                                   | Family Name<br>or Surname   | Guise              |
| Inventor's<br>Signature   | Date                              |   |                    |
| Residence: City Routen  | State                             | Country France  | Citizenship France |
| Mailing Address Les Jardins de la Prefecture, Appartement 40, 39, rue Stanislas Girardin  |                                   |   |                    |
| City Routen   | State                             | ZIP 7600  | Country France     |

Please type a plus sign (+) inside this box PTO/SB/01 (10-00)  
Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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|   |  | <b>First Named Inventor</b>   | Veronique Mahe      |
|   |  | <b>COMPLETE IF KNOWN</b>      |                     |
|   |  | <b>Application Number</b>     | 09/483,766          |
|   |  | <b>Filing Date</b>            | January 19, 2000    |
|   |  | <b>Group Art Unit</b>         | 1615                |
|   |  | <b>Examiner Name</b>          | Fubara, Blessing M. |

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NON-IRRITATING**  
*(Title of the Invention)*

the specification of which

 is attached hereto

OR

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**09/483,766** and was amended on (MM/DD/YYYY)

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| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed   | Certified Copy Attached?   |
|-------------------------------------|---------|----------------------------------|--|--|
|                                     |         |                                  | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> |
| 9900704                             | France  | January 22, 1999                 |  |  |

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

## DECLARATION - Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

| Application Number(s) | Filing Date (MM/DD/YYYY) | <input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet, PTO/SB/02B attached hereto. |
|-----------------------|--------------------------|---|
|                       |                          |   |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application Serial No. | Filing Date | Status   |
|------------------------|-------------|----------|
|                        |             | Patented |
|                        |             | Patented |
|                        |             | Patented |

I hereby appoint:

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**AND**  
 Practitioner(s) named below:  
Name Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

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Name:

Address:

Address:

|         |            |      |
|---------|------------|------|
| City:   | State:     | ZIP  |
| Country | Telephone: | Fax: |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

|   |       |   |                    |
|---|-------|---|--------------------|
| <b>NAME OF SOLE OR FIRST INVENTOR:</b>  |       | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                    |
| Given Name<br>(first and middle [if any]) Veronique   |       | Family Name<br>or Surname Mahe  |                    |
| Inventor's<br>Signature   |       | Date  |                    |
| Residence: City Vaux Sur Sein   | State | Country France  | Citizenship France |
| Mailing Address 90, avenue de Cherbourg   |       |   |                    |
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| <b>NAME OF SECOND INVENTOR:</b>   |       | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                    |
| Given Name<br>(first and middle [if any]) Pascale   |       | Family Name<br>or Surname Joetzier  |                    |
| Inventor's<br>Signature   |       | Date September 6, 2002  |                    |
| Residence: City Louviers  | State | Country France  | Citizenship France |
| Mailing Address 24 route de la vacherie   |       |   |                    |
| City Louviers   | State | ZIP 27400   | Country France     |
| I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. |       |   |                    |
| <b>NAME OF THIRD INVENTOR:</b>  |       | <input type="checkbox"/> A petition has been filed for this unsigned inventor |                    |
| Given Name<br>(first and middle [if any]) Anne Emmanuelle   |       | Family Name<br>or Surname Guise   |                    |
| Inventor's<br>Signature   |       | Date  |                    |
| Residence: City Routen  | State | Country France  | Citizenship France |
| Mailing Address Les Jardins de la Prefecture, Appartement 40, 39, rue Stanislas Girardin  |       |   |                    |
| City Routen   | State | ZIP 7600  | Country France     |